

Bidder Pack

Procurement Specific Requirements

National Assessment to explore Methodologies to tackle Erosion and Flooding of Historic Coastal Landfill Sites

Procurement Reference Number C16012

02/2023

Version Date: Dec 2022 (Version 4.0)

Contents

[Section 1: The Invitation 3](#_Toc85454818)

[The Opportunity 3](#_Toc85454819)

[Timetable 4](#_Toc85454820)

[Section 2: The Specification of Requirements 6](#_Toc85454821)

[The Authority’s Priorities 6](#_Toc85454822)

[Scope 6](#_Toc85454823)

[Division of the Contract into Lots 6](#_Toc85454824)

[Regulations 2006 (TUPE) 6](#_Toc85454825)

[Section 3: Terms and Conditions of Contract 7](#_Toc85454826)

[Section 4: Evaluation Methodology 8](#_Toc85454827)

[Section 5: Appendices 14](#_Toc85454828)

[1. Definitions 14](#_Toc85454829)

[2. Form of Tender 16](#_Toc85454830)

[3. Specification 16](#_Toc85454831)

[4. Conditions of Contract 16](#_Toc85454832)

[5. TUPE Data 16](#_Toc85454833)

[6. Commercial Sensitive Information 16](#_Toc85454833)

[7. Commercial Pricing Workbook 16](#_Toc85454833)

[8. Staff Time in Days Per Milestone 16](#_Toc85454833)

# 1. Section 1: The Invitation

Defra group Commercial on behalf of Defra group and its Arm’s Length Bodies invite you to bid in this competition.

The Bidder Pack comes in two parts.

This first part, **The Core Requirements**, provides details of the General Requirements, Government Transparency Agenda and Government Priorities.

The second part, **The Procurement Specific Requirements**, provides details of the Specification Requirements, Terms and Conditions of Contract, Evaluation Methodology, Procurement Timetable and Definitions.

The Definitions that apply to both parts can be found in Section 5, Appendix 1 of the Procurement Specific Requirements.

The tendering process seeks to determine the Most Economically Advantageous Tender (MEAT). The Authority will evaluate the Tenders using the tender evaluation criteria and weightings listed in Section 4, Evaluation Methodology.

## The Opportunity

This opportunity is advertised by Defra group Commercial on behalf of Defra.

Defra is responsible improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries. For further information please visit [About us - Department for Environment, Food & Rural Affairs - GOV.UK (www.gov.uk)](https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about)

The Department for Environment, Food and Rural Affairs (Defra) are commissioning a project to consolidate previous and current research into the potential issues relating to historic coastal landfill sites.  The output will provide an update and robust current national picture of the scale and the levels of risk posed by flooding and/or erosion at Historic Coastal Landfill (HCL) sites in England, to the environment and local communities. The project will also propose a set of methodologies that can be used by local responsible authorities and partners to prioritise action and identify funding sources to take forward.

The aim of this project is to undertake a national assessment to identify the current national picture of the scale and the levels of risk from HCL sites in England, to inform future action. This project will provide Government and Local Authorities with a clear and up to date understanding of the scale of the national risks posed by HCL sites in England. This will include the potential consequences and impacts to people, the economy, and the environment from the risk of flooding and/or coastal erosion.

The project will propose robust methodologies to enable those responsible to prioritise and enable action, where necessary, to mitigate these risks. To achieve this, the project will review existing evidence, prioritisation criteria and methodologies to identify any gaps to enable the prioritisation of sites requiring the most urgent action.  This must include an assessment of the impact of coastal erosion and flooding on HCL sites in the future. The project will also provide a legislative review and produce proposals for identifying the appropriate action, including financing options.

## Timetable

The timetable below is subject to change from time to time as notified by the Authority. All Tenderers will be informed via the Authority’s [eSourcing System](https://defra.bravosolution.co.uk/web/login.html).

|  |  |  |  |
| --- | --- | --- | --- |
| Activity Ref | Activity Title | | Date (Time) |
| Finalise Contracts Finder Notice and Bidder Pack (ITT) | | 23 February 2023 | |
| Clarification deadline | | 17 March 2023 at 14:00 Hours | |
| Bidder Pack / ITT response date | | 27 March 2023 at 14:00 Hours | |
| Evaluation of Tender | | 28 March – 3 April 2023 at 14:00 Hours | |
| Moderation Meeting | | 4 April 2023 (09:00 – 11:00 Hours) | |
| Contract award notification | | 14 April 2023 | |
| Contract award | | 21 April 2023 | |
| Contract start date | | 28 April 2023 | |
| Service commencement date | | 28 April 2023 – 31 October 2024 | |
| Extension Provision (Optional) | | Until 31 April 2025 | |

All timescales are set using a 24-hour clock and when referring to “days” it means calendar days unless otherwise specified (for example, working days).

**Variant Tenders**

The Authority shall not accept variant Tenders.

For the avoidance of doubt, if the Authority has reserved a right to waive a requirement in this Bidder Pack and chooses to exercise such discretion, the Tender will not be considered a variant Tender.

**Abnormally Low Tenders** **or Pricing Anomalies**

If the Authority considers your Tender to appear abnormally low, an initial assessment will be undertaken using a comparative analysis of the pricing proposals received from all Tenderers and the Authority’s valuation of the procurement. If that assessment indicates that your Tender is abnormally low the Authority will request a written explanation of your Tender, or of those parts of your Tender which the Authority considers contribute to your Tender being abnormally low. The Authority reserves the right to reject your Tender if the response does not satisfactorily account for the low level of price or costs proposed.

The assessment of abnormally low tenders will be undertaken strictly in accordance with Regulation 69 of the Public Contracts Regulations 2015, which outlines how abnormally low tenders must be assessed and the circumstances in which the contracting authority can reject the tender.

**Pricing Anomalies**

If in the opinion of the Authority your Tender contains any pricing anomalies (for example apparent discrepancies between the financial submission and other parts of your response) the Authority may seek clarification. If the clarification response indicates that the pricing anomaly was the result of a clear and obvious error, in the interest of fairness the resulting change will be taken into consideration. If the clarification response results in a change to the initial tendered Commercial Response and price, it will not be taken into account.

# Section 2: The Specification of Requirements

## The Authority’s Priorities

The department strategic priorities for this project span two areas; flooding and coastal erosion and improving the environment. Support delivery of the Department’s Priority Outcome Number 3 in its Outcome Delivery Plan, which is: *to reduce the likelihood and impact of flooding and coastal erosion on people, businesses, communities and the environment.* Also, to support delivery of priority outcome number 1: *Improve the environment through cleaner air and water, minimised waste, and thriving plants and terrestrial and marine wildlife*.

This project also supports the aims in the:

* 25 Year Environment Plan.
* Environmental Improvement Plan published in 2023.
* Government policy statement on flooding and coastal erosion, published on 14 July 2020, which sets out the government’s long-term ambition to create a nation more resilient to future flood and coastal erosion risk.
* Environment Agency National Flood and Coastal Erosion Risk Management Strategy for England, which also focusses on improving overall resilience, and will provide a framework to guide the activities of those involved in flood and coastal erosion risk management.

## Scope

Appendix 3 sets out the Specification of Requirements.

# Section 3: Terms and Conditions of Contract

The Terms and Conditions of Contract for this procurement are Defra standard Research and Development Terms and Conditions.

The Terms and Conditions are split into Core Terms and Contracting Authority Terms within the Annexes and Schedules, and details of the legal priority are provided in from the Conditions of Contract to be used, e.g. the standard Defra Terms and Conditions for Research and Development (R&D).

The Authority proposes that the Contract will commence on **28 April 2023 with a total duration of 18 months until 30 October 2024.** There will be an option to **extend the contract for six months** subject to the business need and Authority’s approval.

The outputs from Stage 1 of the project should be concluded and reported on **by** January 2024.

Any change to project timings must be discussed and agreed with the Authority at the inception phase and discussed throughout the project duration to allow consideration of any changes.

**Suggested Changes to Conditions of Contract**

Tenderers may raise clarification questions relating to the amendment of contract terms during the clarification period only, as specified in the Timetable, if it can be demonstrated that there is a legal or statutory reason why they cannot be accepted. Where a legal or statutory reason cannot be substantiated the Authority has the right to reject the proposed changed.

Such requests must follow the Clarifications Sought by the Tenderer process set out in the Core Requirements element of this Bidder Pack.

# Section 4: Evaluation Methodology

The overall aim of the evaluation process is to select the Tender that is the most economically advantageous to the Authority, having regard to the Authority’s overall objectives and the criteria set out below.

Evaluation of Tenders comprise of the stages set out in the table below.

The Authority will carry out its evaluations of the Technical and Commercial elements according to the criteria, sub-criteria and weightings set out in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Evaluation Stage 1 - Technical** | **Section Reference** | **Evaluation Criteria** | **Question Scoring/Weighting (%)** |
| Selection Stage: Selection Questionnaire (SQ) responses submitted in response to the Contract Notice | **Part 1:** covers the basic information about the supplier, such as the contact details, trade memberships, details of parent companies, group bidding and so on and is provided for information only.  **Part 2**: covers a series of self-declarations by the supplier regarding whether or not any of the questionnaire exclusion grounds apply and will be assessed on that basis.  **Part 3**: covers a series of self-declaration questions regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity. | Pass/Fail  Pass/Fail  Pass/Fail |
| **Section Reference** | **Evaluation Criteria** | **Question Scoring/Weighting (%)** |
| Form of Tender | This stage is not scored but if you do not upload a complete, signed and dated Form of Tender in accordance with the instructions in the eSourcing System/accept the Form of Tender statement in the SQ your Tender will be rejected as non-compliant. | Pass/Fail |

|  |  |  |  |
| --- | --- | --- | --- |
| **Evaluation Stage 1 - Technical** | **Section Reference** | **Evaluation Criteria** | **Question Scoring/Weighting (%)** |
| Evaluation Stage: Technical | This stage will be evaluated in accordance with the criteria set out in the Technical Questionnaire. Responses that do not meet the minimum thresholds **maybe be excluded** from the process at the stage where they do not meet the required level – this will be determined during the consensus meeting  E01 Organisational Experience, Capability and Resources  E02 Understanding Project Objectives  E03 Approach and Methodology  E04 Proposed Project Team  E05 Project Management  E06 Sustainability | 20%  15%  35%  15%  10%  5% |
| The Technical evaluation will account for **70% of the total score**. All responses will be scored in accordance with the detailed guidance within the Authority’s e-Sourcing System and the Technical Questionnaire.  Tenderers must achieve a minimum score of 50 for E01 – E06 the ‘Technical Threshold’ in order to progress to the Commercial evaluation. Tenderers who fail to achieve the stated Technical Thresholds may not proceed to the Commercial evaluation. | | | |
| **Evaluation Stage 2 - Commercial** | **Section Reference** | **Evaluation Criteria** | **Question Scoring/Weighting (%)** |
| Evaluation Stage: Commercial - Pricing Schedule | Prices will be evaluated in accordance with criteria set out in the Pricing Schedule in the Authority’s e-Sourcing System. | Scored |
| The Commercial evaluation will account for **30% of the total score**. All responses will be scored in accordance with the detailed guidance within the Authority’s e-Sourcing System and the Specification of Requirements. | | | |
|  | **Section Reference** | **Calculation** | |
| Final score | The final score is calculated by adding the total quality weighted score with the total commercial weighted score.    The most economically advantageous tender will be the Tender with the highest final score. | |

**Selection Questionnaire - Financial standing**

The Authority will review the economic information provided as part of the Selection Questionnaire response to evaluate a Tenderer’s economic and financial standing. The Authority’s evaluation will be based on all the information reviewed and will not be determined by a single indicator. If, based on its assessment of the information provided in a Response, the Authority decides that a Tenderer does not meet the Authority’s required level of economic standing, the Authority may:

* ask for additional information, including information relating to the Tenderer’s parent company, if applicable; and/or
* require a parent company guarantee or a performance bond.

If the Authority decides that a parent company guarantee or performance bond is required, the Authority will reject a Response if the Tenderer is unable to offer a commitment to make such provision. In addition to the information provided in a Response, the Authority may, at its discretion, consult Dun & Bradstreet reports and other credit rating or equivalent reports depending on where a Tenderer is located.

The Authority’s assessment of economic and financial standing will consider financial strength and risk of business failure. Financial strength is based on tangible net worth and is rated on a scale of 5A (strongest) to H (weakest) obtained from Dun & Bradstreet. There are also classifications for negative net worth and net worth undetermined (insufficient information). Financial strength will be assessed relative to the estimated annual contract value.

The Authority will also consider annual turnover. For this procurement, the Authority expects the contractor to have an annual turnover for each of its last two financial years of at least £2 million British Pounds Sterling.

In the case of a joint venture or a consortium bid, the annual turnover is calculated by combining the turnover of the relevant organisations in each of the last two financial years. In addition, the annual turnover of at least one of those organisations is expected to be £2 million GBP.

Risk of Business Failure is rated on a scale of 1 (minimal) to 4 (significant) obtained from Dun & Bradstreet. There is also a classification of insufficient information. The Authority regards a score of 4 as indicating inadequate economic and financial standing for this procurement. The Authority will also calculate and evaluate the Tenderer’s:

* operating performance: growth or reductions in sales, gross profit, operating profit, profit before tax and earnings before interest, tax, depreciation, amortisation, exceptional items and profit/loss on sale of businesses;
* liquidity: net current assets, movements in cash flow from operations, working capital and quick ratios, and average collection and payments periods; and
* financial structure: gearing ratios and interest cover.

**Evaluation of Responses**

Evaluation of Responses will be undertaken by a panel appointed by the Authority. Each panel member will first undertake an independent evaluation of the Responses applying the relevant evaluation criteria for each question. Then, a moderation meeting will be held at which the evaluation panel will reach a consensus on the marking of each question.

During the consensus meeting, the decision may be taken that a Response will not be carried forward to the next evaluation stage if the consensus view is that the Tenderer has failed to meet any minimum or mandatory requirements, and/or provided a non-compliant response.

All tenderers should be aware of the timescales set to deliver this requirement and only submit a response where they are fully confident of being able to deliver within these parameters.

Tenders will be evaluated by the Programme Management team for appropriateness, on the basis of scope, methods, expertise, and value for money.

**Scoring Criteria**

If a score of **twenty or zero** is awarded to a response to one (1) or more of questions E01 – E06 the Authority **may choose to reject the Tender.**

The technical questionnaire will be scored using the following scale:

|  |  |  |
| --- | --- | --- |
| **Descriptor** | **Score** | **Definition** |
| Very good | 100 | Addresses all the Authority’s requirements with all the relevant supporting information set out in the Bidder Pack. There are no weaknesses and therefore the tender response gives the Authority complete confidence that all the requirements will be met to a high standard. |
| Good | 70 | Addresses all the Authority’s requirements with all the relevant supporting information set out in the Bidder Pack. The response contains minor weaknesses and therefore the tender response gives the Authority confidence that all the requirements will be met to a good standard. |
| Moderate | 50 | Addresses most of the requirements with most of the relevant supporting information set out in the Bidder Pack. The response contains moderate weaknesses and therefore the tender response gives the Authority confidence that most of the requirements will be met to a suitable standard. |
| Weak | 20 | Substantially addresses the requirements but not all and provides supporting information that is of limited or no relevance or a methodology containing significant weaknesses and therefore raises concerns for the Authority that the requirements may not all be met. |
| Unacceptable | 0 | No response or provides a response that gives the Authority no confidence that the requirement will be met. |

Each question will be allocated a score of between 0-100 for the documented response, based on the criteria above.  The scores will be weighted against the technical sub-weighting, and a final technical score will be calculated.  The highest technical score will then receive the maximum 70% technical score to be added to the commercial score in the overall tender evaluation.  Other bidder’s technical scores will be calculated pro rata to the highest technical score.

To enable a consistent and fair evaluation of your tender, we require Suppliers to respond to the questions below, making sure you adhere to the page limits detailed in each section. Words submitted beyond these limits will not be evaluated as part of the tender response.  All sections are mandatory and will be scored. The weighting given to each question is set out below as a percentage of the technical score available.

**Please do not include any commercial information in your response to the technical questionnaire.**

Please upload your response to each section (E01 – E06) as an individual document.  This will allow evaluators to easily differentiate between the response to each section and allow consistent and fair evaluation of bids.  Bidders should not cross reference information provided in each section as they will only be scored on the information requested and provided in each section.

**Technical Evaluation**

|  |
| --- |
| **E01 Organisational Experience, Capability and Resources (Weighting: 20%)**  Please describe your organisation’s capability in delivering research projects that are relevant or comparable to this specification. Please include a list of up to 5 references to relevant projects that your organisation has managed within the last 5 years. We will not consider projects after the first 5 references, or projects that are provided without dates. Please provide any examples that you think are relevant to the delivery of the project including any Flood Coastal Erosion Risk Management projects and learning projects.  Your response must be a maximum of **2 sides** of A4, Arial font size 12. Please upload a document with the filename: “E01 - Your Company Name”. Any responses exceeding two sides of A4 will not be evaluated beyond the last page.  **Evaluation criteria**  Higher marks will be awarded to submissions which demonstrate:   * Significant and relevant recent experience and capability of effectively delivering comparable projects to those required for delivering these Services. * Overview of selected examples relevant to the delivery of this project and/or experience undertaking Flood Coastal Erosion Risk Management projects, undertaking learning activities, interpreting stakeholder engagement and a variety of complex and conflicting views, sampling capabilities and data handling.   **E02 Understanding Project Objectives (15%)**  Please provide an overview of your understanding of the project and its objectives.  This section should demonstrate your understanding of the project, the key issues/challenges involved in carrying out the stages and provide an overview of how your recommended approach and method will address the questions posed. In this section you should describe your overall approach and methodology and how the elements of your proposed methodology link back to the aims, objectives, and questions.  Your response must be a maximum of **3 sides** of A4, Arial font size 12 (including diagrams). Any responses exceeding three sides of A4 will not be evaluated beyond the last page. Links to other documents will not be considered as part of your response e.g., links to published documents online. Please upload a document with the filename: “E02 Your Company Name”.  **Evaluation Criteria**  Higher marks will be awarded to submissions which demonstrate:   * An understanding of the rationale and context for the project, demonstrating original thoughts and not simply a copy of the ITT. * An awareness of the key issues and challenges in relation to carrying out the stages and achieving the aims and objectives, and how these will be managed. * Clearly show how your overall recommended approach will address each of the aims and objectives. * Clearly show how your overall recommended approach will address the questions (minimum of half a page of A4). Original thoughts will score higher than copying sections from the ITT).   **E03 Approach and Methodology (Weighting 35%)**  Please detail the methodology to be adopted in order to meet the project aims and objectives. The Tenderer should set out in detail each element of the methodology and how this will be carried out, including the approach, design, analytical strategy and any related risks. The Tenderer should demonstrate their knowledge of relevant research approaches that could be used to and suggest an appropriate methodology that will deliver the full scope of requirements in the specification. Any input required from the Authority, the Environment Agency, or others a should be outlined, as well as the approach to dissemination of the findings.  Your response must be a maximum of **8 sides** of A4, Arial font size 12. Links to other documents will not be considered as part of your response e.g., links to published documents online. Please upload a document with the filename: “E03 Your Company Name”.  **Evaluation Criteria**  Higher marks will be awarded to submissions which demonstrate:   * A clear approach to the project, its aim and each of the objectives. * Understanding of how the methodological elements will link together and answer the questions. * How each element of the specification of requirements will be fulfilled. * A clear approach to appropriate dissemination activities and how learning and recommendations will be shared. An awareness of risks associated with the methodological approach, including risk rating and proposed mitigation measures. * The level of input and guidance that the successful supplier will require from the Authority, EA and from other stakeholders as relevant.   **E04 Proposed Project Team (Weighting: 15%)**  Please provide details of the proposed project team and team structure that you intend to use to deliver this project, including any sub-contractors and/or associates.  In your response, please include a table showing the staff days expected to be spent on the project per task, including both specialists and assistants. This table should match the staff days provided in Appendix D – Instruction for Summary of staff time involved.  Please identify the individual(s) who will have overall management responsibility for the research and/or identify the Project Director and nominate a representative for day-to-day contact with the Authority’s Project Manager.  Your response must be a maximum of **2 sides** of A4 Arial font size 12. In addition to these 2 sides, CVs for all staff should be submitted to support your response (max 2 A4 sides per CV). Please also include as a completed Appendix D – Instruction for summary of staff time involved. Links to other documents will not be considered as part of your response e.g., links to published documents online. Please upload a document with the filename: “E04 Your Company Name”.  **Evaluation Criteria**  Higher marks will be awarded to submissions which demonstrate:   * Senior staff are putting sufficient time into the key phases of the project. * The individuals who make up the proposed team have sufficient and relevant experience, influence/authority and capability to successfully deliver this evaluation. * The experience of the staff proposed is appropriate to the roles allocated. * The individuals who will fulfil key roles Project Director and Project Manager. * The size and structure of the proposed project team is sufficient to ensure that adequate resources have been allocated for all required roles and responsibilities. * If there are proposals for consortium/sub-contracting arrangements, they are comprehensive and reasonable and there are measures are in place to effectively manage these arrangements throughout the contract. * Staff retention plans are in place to minimise turnover of key staff members.   **E05 Project Management (10%)**  Please detail the adequacy of the proposed project management arrangements including day to day working for the project, the proposed timetable for the project, risk log and mitigation actions and Gantt chart.  Your response to project management must be a maximum of **2 sides** of A4, Arial font size 12, and **one side of A3** **for the Gantt chart**. Links to other documents will not be considered as part of your response e.g., links to published documents online. Any responses exceeding 2 sides of A4 and one side of A3 for the Gantt chart will not be evaluated beyond the last page.Please upload a document with the filename: “E05 Your Company Name”.  **Evaluation Criteria**  Higher marks will be awarded to submissions which demonstrate   * Your organisational approach to project management and how this is implemented. * How you plan to keep the authority informed of progress made and any difficulties encountered. You must address a minimum of fortnightly calls and monthly progress reports. * A Gantt chart presenting milestones, deliverables, timelines and inter-dependencies between work streams, particularly sequencing of work, and a float after each task. * Clear risk register identifying project risks, cause, level of risk, likelihood of risk and action required to mitigate against the risk occurring.   **E06 Sustainability (weighting 5%)**  Please describe what measures and/or innovations your organisation plans to put in place during the next 5–10 years to reduce the environmental impact of your organisation with the UK Government’s net-zero target for carbon emissions by 2050 in mind.  Your response must be a maximum of **3 sides** of A4, Arial font size 12. Please upload a document with the filename: “E06 - Your Company Name”  **Evaluation Criteria**  Higher marks will be awarded to submissions which demonstrate   * Supporting a circular economy, sustainable product development, use and sourcing of materials, ICT use, energy efficiency, end -of-life management and packaging * Concerted waste management with a zero landfill approach * Using energy efficient products (e.g. EPEAT, Energy Star, Energy Efficiency) or equivalent. * Phasing out single-use plastics * Monitoring and reducing greenhouse gas emissions and using renewable/green energy * Increasing resource efficiency, reducing and minimising waste * Reducing energy and fuel consumption * Sourcing packaging from 100% sustainable material (made from renewable resources (plants) and recycled resources) * Ensuring implementation of environmental management systems (e.g., ISO 14001) or equivalent. |

**Calculation Method**

For both elements, providing the bidder has met any mandatory criteria and minimum quality thresholds, the total weighted scores are calculated as follows (Please See Next Page):

**Technical (WT)**The calculation used is the following:

Then i.e.

Bidder’s Total Technical Score i.e. 71.60%

X 100% = X

71.60%

100%

X 70%

**Commercial (WC)**

Score = Lowest Tender Price x 30% Maximum available marks

Tender Price

For example, if three Tender Responses are received and Tenderer A has quoted £30,000 as their total price, Tenderer B has quoted £50,000 and Tenderer C has quoted £60,000 then the calculation will be as follows:

**Tenderer A Score = £30,000/£30,000 x 30 (Maximum available marks) = 20%**

**Tenderer B Score = £30,000/£50,000 x 30 (Maximum available marks) = 18%**

**Tenderer C Score = £30,000/£60,000 x 30 (Maximum available marks) = 15%**

The Total Score (weighted) is then calculated by adding the Total Weighted Technical Score to the Total Weighted Commercial Score: **WT+ WC**.

**Commercial Pricing Breakdown applicable to this ITT is on Atamis (**[**https://defra-family.force.com/s/Welcome**](https://defra-family.force.com/s/Welcome)**).**

This should be downloaded; completed and attached to the commercial envelope.

# Section 5: Appendices

## Definitions

Unless the context otherwise requires, the following words and expressions used within the Bidder Pack (except for Section 3: Terms and Conditions of Contract) shall have the following meanings to be interpreted in the singular or plural as the context requires.

|  |  |
| --- | --- |
| **TERM** | **MEANING** |
| **“Authority”** | the Department for Environment, Food and Rural Affairs acting as part of the Crown |
| **“Bidder Pack”** | this invitation to tender and all related documents published by the Authority and made available to Tenderers. |
| **“Contract”** | the contract (set out in Appendix B) to be entered into by the Authority and the successful Tenderer. |
| **“EIR”** | the Environmental Information Regulations 2004 (as amended) together with any guidance and/or codes of practice issued by the Information Commissioner or any Government Department in relation to those Regulations. |
| **“eSourcing system”** | eSourcing system is the eSourcing system used by the Authority for conducting this procurement, which can be found at <https://defra-family.force.com/s/Welcome> |
| **“FOIA”** | the Freedom of Information Act 2000 (as amended) and any subordinate legislation made under that Act together with any guidance and/or codes of practice issued by the Information Commissioner or any Government Department in relation to that legislation. |
| **“Form of Tender”** | means the form contained in Annex 2 to the Procurement Specific section of the Bidder Pack which must be signed, scanned and uploaded into the Authority’s eSourcing System by the Tenderer to indicate that it understands the Tender and accepts the various terms and conditions and other requirements of participating in the exercise. |
| **“Information”** | means the information contained in the Bidder Pack or sent with it, and any information which has been made available to the Tenderer by the Authority, its employees, agents or advisers in connection with the procurement.  National assessment to explore methodologies to tackle erosion and flooding of historic coastal landfill sites |
| **“Involved Person”** | means any person who is either working for, or acting on behalf of, the Authority in connection with this procurement and/or the Contract including, without limitation, any officer, employee, advisor, agent, member, partner or consultant” |
| **“Pricing Schedule”** | the form accessed via e-Sourcing system (<https://defra-family.force.com/s/Welcome>) in which Tenderers are required to submit their pricing information as part of a Tender. |
| **“Regulations”** | the Public Contracts Regulations 2015. |
| **“Relevant Body** | means any other organisation, body or government department that is working with or acting on behalf of the Authority in connection with this procurement and/or the Contract including, without limitation, its officers, employees, advisors, agents, members, partners or consultants. |
| **“Response”** | means the information submitted in response to the Bidder Pack via the online response forms on eSourcing system including the Tenderer’s formal Tender. |
| **“Specification of Requirements”** | the Authority’s requirements set out in Section 2 of the Bidder Pack Procurement Specific Requirements. |
| **“Tender”** | the formal offer to provide the goods or services descibed in section 1.1 of part 1 of the Bidder Pack and comprising the responses to the questions in eSourcing system and the Pricing Schedule. |
| **“Tenderer”** | anyone responding to the Bidder Pack and, where the context requires, includes a potential tenderer. |
| **“Timetable”** | the procurement timetable set out in Section 1 of the Bidder Pack Procurement Specific Requirements. |
| **“Workstreams”** | these are the three different areas of the interventions covering animal welfare, health, and environmental sustainability outcomes. Each workstream may be present in an intervention (i.e. all three workstreams are included in the mandatory reporting intervention) and other interventions may only include some of the workstreams (i.e. environmental sustainability as part of the mandatory methodology intervention). |
| **“Headline Outcomes”** | there are three main outcomes for the FDTP (see Table 1). The outcomes within each area may differ by workstreams, as such this document will talk about different outcomes within an outcome area. |

## Form of Tender

The Form of Tender document is located on the Authority’s eSourcing system Atamis <https://defra-family.force.com/s/Welcome>

It is to be printed, signed, scanned and uploaded into the Authority’s e-Sourcing System as instructed within the eSourcing system.



## Specification

For information. Located on the Authority’s eSourcing system.

**Overview**

The Department for Environment, Food and Rural Affairs (Defra) are commissioning a project to consolidate previous and current research into the potential issues relating to historic coastal landfill sites.  The output will provide an update and robust current national picture of the scale and the levels of risk posed by flooding and/or erosion at Historic Coastal Landfill (HCL) sites in England, to the environment and local communities. The project will also propose a set of methodologies that can be used by local responsible authorities and partners to prioritise action and identify funding sources to take forward.

The aim of this project is to undertake a national assessment to identify the current national picture of the scale and the levels of risk from HCL sites in England, to inform future action. This project will provide Government and Local Authorities with a clear and up to date understanding of the scale of the national risks posed by HCL sites in England. This will include the potential consequences and impacts to people, the economy, and the environment from the risk of flooding and/or coastal erosion.

The project will propose robust methodologies to enable those responsible to prioritise and enable action, where necessary, to mitigate these risks. To achieve this, the project will review existing evidence, prioritisation criteria and methodologies to identify any gaps to enable the prioritisation of sites requiring the most urgent action.  This must include an assessment of the impact of coastal erosion and flooding on HCL sites in the future. The project will also provide a legislative review and produce proposals for identifying the appropriate action, including financing options.

Defra is aware of the NERC funded research project *Legacy Wastes in the coastal zone: Environmental risks and management futures projects* (detail in the methodology section of this tender) which is underway and due to complete in 2024. It’s aims and outputs to date should be used to inform those required in this tender.   Defra therefore proposes that the successful Tenderer works with those leading the NERC research project (from Task1 onwards) to maximum effect to build on their work and align with previous or other contemporary research, including the findings from the recent Local Government Association coastal special interest group (LGASIG) survey1, to maximise best use of outputs to date, throughout the duration of this project.

Additionally, Defra is aware of research undertaken by Queen Mary University of London titled *Assessing the Risk of Pollution from Historic Coastal Landfills,[[1]](#footnote-2)* and proposes that this research should be a key consideration for this project.

1. **Introduction**

Incidents of flooding and coastal erosion are becoming more prevalent as a result of climate change. It is important that flood and coastal erosion risk management powers and responsibilities are clear and understood, and that flood and coastal assets and defences remain resilient in facing those challenges. The government is committed to building a country that is better protected and better prepared for the future, to drive down the risk of harm from flooding and/or costal erosion from every angle.

The government published its Flood and Coastal Erosion Risk Management[[2]](#footnote-3) Policy Statement on 14 July 2020, setting out the UK government’s ambition to create a nation more resilient to future flooding and coastal erosion risk. The Policy Statement includes five policies and over 40 actions/commitments which will accelerate progress to better protect and prepare the country against flooding and coastal erosion.

Alongside the Policy Statement, the Environment Agency issued its updated National Flood and Coastal Erosion Risk Management (FCERM) Strategy for England[[3]](#footnote-4). This Strategy will deliver the Policy Statement commitments seeking to build a nation of people who understand their risk to flooding and coastal change and know their responsibilities and how to act.

The definition of a historic (closed) coastal landfill site is one where there is no Pollution Prevention and Control permit or waste management licence currently in force; the permit no longer exists because it was surrendered, revoked, or disclaimed. This includes sites that existed before the waste licensing regime. Coastal Protection Authorities (CPAs)/Local Authorities (LAs) have a duty to manage HCL sites unless the original polluter can be found. The polluter pays principle can be difficult to apply in practice as the original landowners are mostly not recorded. Additionally, these HCL sites predate legal requirements to record the waste they received. This means, the contents and the impacts, and therefore remediation and other solutions like maintenance of defences, removal of waste to inland sites cost/benefits are site-specific and mostly unknown.

Previous Research[[4]](#footnote-5) suggests there are at least 1,250 HCL sites (+/- 10%) across 122 LAs (+/- 5%) in England. Further research[[5]](#footnote-6) suggests that 10% of HCL sites are at risk of erosion by 2050 if defences are not maintained, and up to 30% of England’s protected coastline and bathing water catchments are potentially at risk from these sites. Understanding the severity of these risks, and how best to mitigate them, is becoming increasingly important due to the potential impacts of climate change along our coastline. There is some evidence that some historic landfills are already eroding and releasing waste to the marine environment[[6]](#footnote-7). It is estimated that 10 HCL sites are visibly releasing waste and previous research suggests 79 more may be at risk of eroding into coastal waters by 2025.

There is a concern that breaches in HCLs could mean the uncontrolled release of polluting waste and chemicals into coastal waters. Landfill leachate can be many times more toxic than conventional foul sewage. Furthermore, HCL sites may also contain early plastics which will persist and pollute the oceans for decades to come. Research[[7]](#footnote-8) by Queen Mary University London suggested there are 406 coastal landfills sites in the coastal zone in or near sites of special scientific interest and 537 sites in or near bathing water catchment areas, potentially affecting regulatory compliance.

There has been increased media coverage as sites become visible, most recently from [the Mirror](https://www.mirror.co.uk/news/uk-news/uks-plastic-pollution-timebomb-coastal-25314667), [the Guardian](https://www.theguardian.com/environment/2022/mar/17/toxic-waste-revealed-as-eroding-coastlines-expose-old-landfills), [Channel 4](https://www.channel4.com/news/why-englands-coastline-is-a-ticking-time-bomb-ready-to-spew-rubbish-out-into-the-sea) and various documentaries including [BBC4](https://www.bbc.co.uk/programmes/b0bgpc2f).

Responsibility for managing both coastal change and legacy landfill sites lies with the relevant CPAs/LAs, who have the responsibility of ensuring HCL sites are managed in a consistent and environmentally friendly way. Due to the complexities, it can be challenging for CPAs/LAs to scope the issue, plan a solution and secure funding to act. CPAs/LAs and Coastal Public interest in environmental contamination is high, and exposure and leakage from these sites may impact beyond the immediate locality in which they are based, including marine conservation zones, protected marine areas and fish and shellfish production.

Defra recognises the complexity of the situation and that this is a challenging situation for the responsible CPAs/LAs. We are therefore acting to fully understand the scale of the issue, where priority action needs to be taken and identify methodologies to support those responsible to take forward appropriate mitigation effectively.

Defra are aware that Regional Flood and Coastal Committees and councils do contribute to local studies for problematic historic landfills. Defra and the EA will continue to support this as good practice and want to support them to identify how they can unlock other funders (e.g., local bodies and business) who might benefit from remediation activity that helps secure wider environmental or economic benefits.

1. **Project Aim and Objectives**

The aim of this project is to undertake a national assessment to fully assess the current national picture of the scale and the levels of risk caused by HCL sites in England to inform future policy. The Authority proposes this project is broken down into **two** stages and **nine** tasks as follows:

|  |  |
| --- | --- |
| **Stage 1** | |
| **Task 1** | Undertake an Evidence Review and stakeholder engagement to:   * Consolidate any existing available evidence and fully review to provide a rigorous, transparent, and exhaustive synthesis of evidence of both peer reviewed and grey literature. * Review the site prioritisation approach and mapping from the *Legacy Wastes in the coastal zone: Environmental risks and management futures* projects (funded by NERC) published in Riley et al. (2022)[[8]](#footnote-9). * Assess the criteria used to prioritise HCL sites in England in the Legacy Wastes Project, to ensure the site prioritisation methodology meets all of Defra’s requirements. * Review the information gathered by the LGA SIG, published in their historic landfill report in November 2022. * Cross-check between the two projects (and if necessary, other research) to ensure all HCL sites are captured in the site prioritisation methodology. * Address any evidence gaps including the required evidence to improve the existing site prioritisation methodology and make efforts to fill these. * If necessary, provide recommendations on how to improve the site prioritisation methodology. * Answer the key research questions. * Identify sites that require a deeper investigation and potentially more complex remediation work.   Findings from Task 1 will be presented in a final report. |
| *The successful Tenderer will discuss with the Authority the merits of undertaking Task 2. It must be included in the basis of tenders as a dependant optional task and will be included in tender evaluation.* | |
| **Task 2**  **[Dependant optional Task]:**  **This will be considered at the Authority’s discretion** | If a revised site prioritisation methodology is proposed and agreed, using the findings from Task 1, revise the site prioritisation published in the Legacy Wastes Project or, if necessary, create a new prioritisation approach. The site prioritisation methodology must be dynamic/updatable and takes into consideration future changes (e.g., data from NCERM and coastal flooding, SMP refresh policies, Climate Change projections, flood defence and erosion protection assets – residual life and impacts on designated habitats). Produce a list of prioritised HCL sites in England.  Findings from Task 2 will be presented in a final report. |
| **Task 3** | Using the most suitable site prioritisation approach, present the HCL sites in England on an interactive static online map(s), including site-specific information (i.e., spatial database). The map and database must provide ongoing accessibility to form part of the information tool for LAs. To avoid duplication, the Authority propose updating the GIS-based spatial database in Riley et al 2022 for only HCL sites in England. Defra would welcome option proposal for this.  Findings from Task 3 will be presented in a final report, along with an interactive static online map(s). |
| **Task 4** | Conduct an economic assessment to compare options for remediation, including cost benefit analysis.  Findings from Task 4 will be presented in a final report. |
| **Stage 2** | |
| **Task 5** | Conduct a legislative review.  Findings from Task 5 will be presented in a final report. |
| **Task 6** | Develop a roadmap for at most risk sites.  Findings from Task 6 will be presented in a final report. |
| **Task 7** | Identify methodologies and tools to enable the responsible authorities to prioritise and take appropriate action to manage, protect or otherwise remediate at risk HCL sites.  Findings from Task 7 will be presented in a final report. |
| **Task 8** | Produce a final short summary report for Defra to publish; this will involve bringing together a succinct clearly written final report and recommendations to Defra with the reports produced after each task as appendices.  Produce a two-page summary and slide pack. |
| **Task 9** | Dissemination to interested parties. |

**Research questions**

The project must answer (as a minimum) the following key questions:

1. What is the national risk and impact from coastal erosion and coastal flooding on HCL sites, on human health, the physical and natural environment, environment quality and local communities?
2. What are the opportunities and barriers the responsible authorities face in taking action to manage or remediate known sites?
3. What methodologies can the responsible authorities use to prioritise both need and necessary action?
4. What examples of good practice taken by the responsible authorities exist? (i.e., case studies)
5. What is the cost of the inefficiency arising from authorities doing successive emergency repairs when the risk of collapse is imminent instead of putting in place a more permanent solution?
6. How can responsible authorities finance necessary action?
7. **Approach and Methodology**

This is a suggested approach and Defra would welcome Tenderers alternative approaches, providing that they meet the project’s aims and research questions. Tenderers must justify why they have suggested an alternative approach and set out how the approach fully addresses the research aims and research questions, and delivers the outputs required. Differences between elements of the approaches must be highlighted to enable a clear comparison between approaches. The benefits and limitations of the alternative approach must be discussed and reported on in relation to the approach set out here.

For each report produced, the successful Tenderer will be required to review feedback from Defra, the Project Board and Project Steering Group. The feedback may include, but not be limited to comment, tracked change and requested edits the reports. Tenderers must factor in resources to finalise these reports within their Tender response.

This project will review the prioritisation approach in the Riley et al. (2022) published paper (data freely available on EIDC), from the *Legacy Wastes in the coastal zone: Environmental risks and management futures* projects (hereby referred to as the Legacy Wastes Project), (funded by NERC through their Highlight topics mechanism, under grant numbers NE/T003022/1, NE/T003200/1, NE/T003286/1 and NE/T002824/1). There are four academia working on this project in a consortium, [University of Exeter](https://gtr.ukri.org/projects?ref=NE%2FT002824%2F1), [University of Hull](https://gtr.ukri.org/projects?ref=NE%2FT003022%2F1) and the [UK Centre for Hydrology and Ecology](https://gtr.ukri.org/projects?ref=NE%2FT003200%2F1), with [Newcastle University](https://gtr.ukri.org/projects?ref=NE%2FT003286%2F1) as the lead contact point. The successful Tenderer will need to determine if there are any gaps to fulfil this project tender’s aims and if other criteria are required to prioritise action at England’s HCL sites.

The Legacy Wastes Project is due to fully report in 2024, although reporting is phased throughout the project duration. Details can be found on their website here: <https://research.ncl.ac.uk/legacywastes/aboutourproject/>. The project’s objectives are to:

* Develop a GIS-based spatial database of municipal and industrial wastes in coastal zones.
* Evaluate legacy waste environmental risks to the coastal zone.
* Reconcile results of lab-based experiments with real world observations.
* Experimentally determine potential impacts of climate change on pollution risk due to legacy wastes.
* Co-develop, with partners, policy, and management recommendations.

Following the award of this contract, Defra would consider a possible collaborative agreement between the Legacy Wastes Project lead and the successful Tenderer, to collaboratively work together towards this project’s aim. The aim of this agreement would be for the successful Tenderer to potentially work in collaboration with the Legacy Wastes Project lead to align any outputs to date and throughout the duration of this project, consider and review the existing aforementioned research, maximise the outputs to date, build on its work and do everything possible to avoid duplication and minimise stakeholder fatigue.

**Stage 1**

**Task 1: Gathering evidence, assessment of prioritisation methodology and gap analysis**

The successful Tenderer will:

1. Undertake an evidence review in the form of a Full Systematic Evidence Review, following the approach in Defra’s ‘The Production of Quick Scoping Reviews and Rapid Evidence Assessments’[[9]](#footnote-10), to provide a rigorous, transparent, and exhaustive synthesis of evidence of both peer reviewed and grey literature. Annex A details the existing research evidence Defra is aware of including those previously mentioned. The successful Tenderer must build on the evidence referenced in this tender along with inputs from e.g., the Project Steering Group to ensure the key sources of evidence are captured. The evidence review protocol must be discussed and agreed with Defra before commencing with the evidence review.
2. Undertake stakeholder engagement including with the Local Government Association coastal SIG, and local authorities, and where appropriate, recognised experts and/or other stakeholders to help fill the evidence gaps, collect local data, and answer the research questions. Any engagement with local authorities should be conducted with consideration of Part 2A Authority section 108 of the Environment Act 1995 and investigations the local authorities may have already conducted.
3. Ensure this work is informed by the recent LGA Coastal SIG report and the current NERC funded Legacy Waste Project site prioritisation methodology (Riley et al., 2022) and research that led to that methodology to provide the following:

* An assessment of the criteria used to identify and prioritise HCL sites in England.
* A sufficient detailed summary of all available site information, levels of risk, site characteristics and content, and highlight those at highest risk now.
* Include in the site information summary, including gaps in new data gathered, a) detail on sites which have always been under LA responsibility and those which have not, and whether they were provided with information about the site history/materials and b) distinguish between landfills where there was any budgetary transfer to LAs in this instance when they took them on or not.
* Identification of (if any) evidence gaps found including sites not previously recorded and any evidence from remediation, and other solutions, projects historically or currently being undertaken by landfill operators.
* Assess the evidence on sites detailed in the LGA SIG questionnaire outputs and undertake a comparison of those outputs against the Riley et al. (2022) sites.
* Consideration of the combined impacts from cluster of landfills at the same location, not just individual sites.

1. Answer the research question: What is the national risk and potential impact from coastal erosion and coastal flooding on HCL sites, on human health, the physical and natural environment, environment quality and local communities?
2. Address and fill the evidence gaps including the required evidence to improve the prioritisation methodology.
3. Identify any sites that require a deeper investigation and potentially more complex remediation work or other solutions, such as maintenance of defences and removal of waste to inland sites.

The successful Tenderer is required to follow the principles set out in the Government’s Guidance on how to assess and manage risks from and contamination (LCRM). Any physical inspection (only if agreed with the Authority/ Defra) should only be carried out under statutory powers of entry vested in the Part 2A Authority section 108 of the Environment Act 1995.

At the end of this task, the Tenderer will produce a detailed final report. It will identify the findings and outputs of this stage to include a critical assessment and evaluation of relevancy and robustness of the prioritisation methodology of the coastal landfill sites. Alternatively, the Tenderer may propose an alternative methodology, to provide informed conclusions on the evidence and any gaps identified and highlight implications of findings. It will also identify all the stakeholders that have been engaged, the approach taken and key outcomes, the issues explored and how these will be scrutinised further throughout the project.

The successful Tenderer will discuss with the Authority the need and merits of undertaking Task 2.

**Task 2: Optional task - Revise prioritisation methodology [If needed, and following discussion and agreement with Defra]**

If a revised site prioritisation methodology is required, using the findings from Task 1, revise the site prioritisation or, if necessary, create a new site prioritisation methodology.

The prioritisation methodology must be dynamic and updatable and takes into consideration future changes (e.g., data from NCERM and coastal flooding, SMP refresh policies, Climate Change projections).

The outputs will include:

1. Re-prioritise the HCL sites based on the reviewed evidence and new criteria for only HCL sites in England.
2. Provide a list of the prioritised sites and reflect the prioritisation on the GIS map (see Task 3).

Findings from Task 2 will be presented in a final report.

**Task 3: Online mapping**

Using the most suitable site prioritisation methodology, present the HCL sites in England on an interactive static online map(s), including site-specific information (i.e., spatial database). The map and database must provide ongoing accessibility to form part of the potential guidance for LAs (see Stage 2). To avoid duplication, the Authority propose updating the GIS-based spatial database in Riley et al. (2022) (Legacy Wastes Project) for only HCL sites in England. Defra would welcome option proposal for this.

With the additional evidence from the coastal landfill sites gathered during the project, prepare data that the EA will be able to use to update their Historic Landfill Sites national datasets (available on gov.uk[[10]](#footnote-11)). The Tenderer should take into consideration and avoid duplication with the ‘Legacy Landfill Database’ as part of the Legacy Waste Project.

Findings will be presented in a final report, along with an interactive static online map(s), and spatial database.

**Task 4: Economic assessments**

The purpose of the economic assessment task is twofold – a) develop the methodologies needed to assess the monetised value of the economic, environmental and/or human health risks associated with individual sites, and the tools that will enable those responsible to identify the effective and most cost beneficial remediation required and b) to provide a strategic national level cost benefit analysis associated with managing down the risks of harm associated with the historic costal landfill sites identified as at risk from coastal flooding or erosion in the short, medium and long term. The methodologies here relate to valuation rather than policy/operationalisation.

The contractor will use findings from their analysis from task 1 to provide, a national assessment identifying the overall value for money and a cost benefit appraisal for the investment associated with a range of remediation choices.

The analysis should include impacts which are not traditionally valued such as impacts on community pride and cohesion, anxiety, and others affecting the social capital. When it will not be possible or proportionate to quantify these impacts a qualitative assessment should be provided.

The economic assessment should include:

* + 1. Analysis of the economic damages associated with the flooding and erosion of coastal landfill, an estimate of their cost and the benefits of the damages that would be avoided by each mitigating option. A range to reflect the uncertainty in those estimates should be provided alongside the best estimate. When using local level data, the tenderer will need to consider how this is scaled up to national level and extrapolate to get scaled up national estimates.
    2. A strategic assessment of the estimated totality of costs over time and a cost benefit benchmark at national level.
    3. Identification of how local authorities currently fund historic coastal landfill management, remediation, or other solutions, this should include current use of different sources of funding - for example revenue support grant, capital, council tax receipts, reserves or other.
    4. Opportunities for alternative and/or future funding and financing streams including, for example, the potential for private contributions, green financing, etc. and detailing any existing constraints/perverse incentives at a local level which act as barriers.
    5. In summary, a robust cost-benefit analysis at the national level that will identify the effective public and/or private investment needed in the short, medium, and long-term by the types of remediation action identified the previous task(s) and an analysis of the potential sources of funding/financing for the remediation actions needed.

This assessment will build on, and will be informed by, the priority classification developed earlier. i.e., the cost benefit analysis should consider, for example, the size, type of content and risk assessment of the landfill site. It is expected that the priority classification and the cost-benefit analysis are not independent of each other, and each will inform the other.

The contractor will develop the methodologies and tools that will enable local responsible authorities to identify the cost beneficial actions to effectively manage at risk states and present good practice case studies. The format and other characteristics of these tools will facilitate their use by the responsible authorities to inform their local case for investment, and to enable them to secure suitable funding and financing to implement appropriate action.

Any economic analysis or methodology developed, used and/or proposed must conform to the principles and methodologies in the Green Book as published by HMT on its website in 202211 (or any updated version thereof).

The contractor should test the methodologies and tools proposed by using these to identify effective and cost-beneficial actions for tackling the most urgent at-risk sites (previously identified and agreed, including a proposed number of sites, with the Authority) including the financing options/opportunities or other solutions. Reporting on this output should identify actions already underway and provide a comparison CBA, and/or result in proposals for actions for implementation.

All findings and toolkits will be presented in a final report.

**Stage 2**

**Task 5: Legislative Review**

The Tenderer will undertake a review of the legislative duties, powers, roles, and responsibilities in order to; a) map out the legislation and regulations responsible authorities will/may need to apply to enable appropriate action to tackle HCL sites and b) identify whether existing legislation remains fit for purpose or whether there are any gaps or changes required.

This should include exploration of the regulatory frameworks relevant to enable on site remediation or other solutions, such as maintenance of defences and removal of waste to inland sites, including legislative requirements concerning actions, and the responsible parties. This task will include reviewing the relevant legislation to produce a legal roadmap which:

1. sets out statutory responsibilities relating to the management and/or remediation/other solutions regarding HCL sites, and
2. the legislative (including regulatory) frameworks that responsible authorities need to take account of when deciding or taking action, including but not limited to waste and environmental regulations.

The legislative review must also seek to identify duplication, gaps or barriers in current legislation that may be impacting on a responsible authority’s ability to take effective and timely action to manage these sites.

The review should also consider the conclusions and outputs from the call for evidence on contaminated land remediation and landfill tax by HMT and Defra in 2022.

Additionally, the Environment Agency in ~March 2023 will publish a briefing note on their internal guidance on the ‘*Remediation of historic and permitted landfills: waste regulation requirements’* which the successful Tenderer must consider and consult the EA on as required.

The review must:

* Identify how existing statutory powers and responsibilities support or hinder local remediation of HCL sites.
* Identify opportunities and/or constraints in applying the tools, regulations, and powers already available,
* Identify, if any, where current regulations hinder action being taken, and if so how, and identify other bodies Defra should work with to ensure existing legislation enables the responsible authorities to make progress.
* Produce a user-friendly document which outlines the regulatory requirements authorities would need to consider when deciding on and taking action to manage or remediate HCL sites.
* Consider outputs of HMT review on landfill tax in relation to HCL sites.

Findings will be presented in a final report.

**Task 6: Develop a roadmap for most at risk sites**

The successful Tenderer must propose and develop a roadmap that will enable the responsible authorities to plan how to make safe at-risk sites, working with and engaging all key stakeholders. The roadmap should be informed by:

1. Piloted remediation finance options and plans (as feasibility reports), for three to five ‘most at risk’ sites e.g., where there is imminent public or environmental risk or where the existing defences are approaching the end of their serviceable lives.
2. Any identified challenges in estimating remediation costs or other solutions costs from task 4.
3. Current policies and future management under existing local Shoreline Management Plans and other coastal and estuarine management plans.
4. Case studies including lesson learnt, and stakeholder testing of the roadmap.

The final roadmap should include:

1. An approach to enable LAs to prioritise, cost and secure financing for remediation from all sources of action at local historic sites.
2. Preparing for action on contamination and flood defence issues, including options for decisions.
3. The technology that can be used to maximise informed action choices
4. Monitoring and future plans to manage HCL sites.
5. Options for green financing and partnership financing for example, whether private sector capital and third sector capital can be blended with public sector funding.
6. Consideration of resource recovery approaches, for example, ecological landfill mining, to offset some of the remediation costs.
7. Options for economies of scale, scope or other considerations make collective remediation, mutuality based financial instruments or other ways to exploit economies of scale will result in a more efficient solution.

Findings will be presented in a final report.

**Task 7**: **Consideration of next steps**

The Tenderer may provide options for next steps to further develop and inform local choices for the management of HCL sites. This may include options for local policy and/or planning choices to help CPAs prioritise actions, including future financing for remediation or other solutions, such as maintenance of defences and removal of waste to inland sites. Consideration should be given to short, medium, and long-term plans that may be technically feasible and affordable, considering the findings from the previous Tasks in this project. Defra proposes the following, however, will be prepared to discuss suggested proposals from Tenderers. The Tenderer may suggest one or more of the following:

1. a possible vision and outputs to address the key issues for the immediate (i.e., within 1 year), the intermediate term (within 5 years) and the long term (5 to 10 years plus).
2. make proposals on how progress should be monitored.
3. potential future funding strategies including green financing options.
4. If needed, identify, and recommend a sample of sites for deeper investigations/remediation/other solutions work,
5. Identify areas which are ready to implement solutions and those in stronger partnerships.

Findings will be presented in a final report. The Authority will consider the findings and will be under no obligation to act on them or to provide a public response.

**Task 8: Reporting**

Produce a final report for Defra to publish; this will involve bringing together a succinct clearly written final report and recommendations to Defra with the reports produced after each task as appendices. The report should be clear and transparent and be non-technical for any audience plus include the following:

* an executive summary of main findings and outputs
* a description of the background drivers of the work and methods used
* a synthesis and conclusion of the findings
* proposals for next steps

Produce a two-page summary and a slide pack summarising the project and key findings. The slide pack will be easy to navigate and be in an impactful style.

**Task 9: Dissemination**

Following sign off by Defra of the final report, the Tenderer will host a dissemination event with the Authority and key stakeholders, summarising the key findings and outputs**.** In agreement with the Authority, the successful Tenderer will be responsible in organising the dissemination event. This will include arranging the venue/IT requirements, sending out invites, any presentations, and a written summary of the findings/event.The event should be designed so that it can be delivered as a ‘in person’ opportunity but allow for a virtual attendance. A short report of the findings and feedback following the event should be provided by the Tenderer.

**Scope of project**

The specific time period expected to be included is from the 1890s up until and including 1994, when the Waste Management Licensing Regulations 1994 came into force. However, there may be sites dated post 1994 according to the historic landfill database and sites recorded with no date of entry of waste which need to be included.

Landfill sites that are not coastal, i.e., in-land, are out of scope. Coast as defined in the Coastal Protection [1949 Act](https://www.legislation.gov.uk/ukpga/Geo6/12-13-14/74) and in Shoreline Management Plans, therefore includes estuarine sites.

The scope of this project is a desk-based study and no physical site visits for any purpose will be in scope, unless agreed with the Authority for the sites possibly requiring deeper investigation.

1. **Project outputs**

The following project outputs must be produced:

|  |  |
| --- | --- |
| Task 1 | Final Report – evidence review |
| **Task 2** | **Final Report – site prioritisation methodology (optional task - include in tender bid)** |
| Task 3 | Final Report, GIS Map, and database |
| Task 4 | Final Report – economic assessment |
| Task 5 | Final Report – legislative review and legal roadmap |
| Task 6 | Final Report - Roadmap for at most risk sites and feasibility study |
| Task 7 | Final Report - Consideration of next steps |
| Task 8 | Final Report (including Task reports as appendices) and a two-page summary and slide pack |
| Task 9 | Dissemination event |

All data, analysis and tools developed in this project will be the property of Defra and delivered by the contractor. All other data and analysis used should be properly referenced and, together with the data gathered and analysis developed, allow for the replication of the results of this research. This includes the anonymisation of the databases or other evidence developed when needed for confidentiality or personal data protection laws. The outputs should include shape files or equivalent of all data and evidence gathered and data ownership transferred to Defra.

1. **Timetable**

The Authority proposes that the project will commence on or before 30 April 2023 with a total duration of 18 months until 30 October 2024. There will be an option to extend the contract for six months subject to the business need and Authority’s approval.

The outputs from Stage 1 of the project should be concluded and reported on **by** January 2024.

Any change to project timings must be discussed and agreed with the Authority at the inception phase and discussed throughout the project duration to allow consideration of any changes.

1. **Programme of Work**

Below are detailed the key deliverables and milestones within the project. All milestones and deliverables to be agreed at inception and discussed throughout project duration.

|  |  |  |
| --- | --- | --- |
| **Project Deliverables & Milestones** | **Detail of Task** | **Dates** |
| **Stage 1** | | |
| Deliverable 1 | Inception meeting with the Project Board. Meeting to discuss the proposed approach to the project.  Inception meeting agenda, minutes, inc. record of actions with owners and due dates written in an inception report.  The Tenderer must identify individuals who will manage the project and nominate a representative for day-to-day contact with Defra’s Project Manager. | Week one  (By Week commencing 1st May 2023) |
| Deliverable 2 | Develop the Project Steering Group (PSG), Terms of Reference and set up the PSG | Week 2 |
| Deliverable 3 | A detailed inception report, including the project plan sent to Defra’s Project Manager, following commissioning and the inception meeting between Defra and the Tenderer. The project plan to provide a more detailed methodology beyond the original proposal plan, a detailed risk register and timeline. Please see minimum requirements in Annex B. | Week 4 |
| **Milestone 1** | Meeting with the Project Board and PSG (verbal update and presentation) to discuss and sign off on the inception report and the Project Plan. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | Week 4 |
| Deliverable 4  Task 1 | Final report – Evidence review and review of the NERC funded Legacy Wastes project prioritisation methodology. Edit report for feedback. | *To be agreed* |
| **Milestone 2** | Meeting with the Project Board (verbal update and presentation) to discuss and sign off on the evidence review and review of prioritisation (Task 1) and discuss the merits of commencing with Task 2. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | *To be agreed* |
| *Deliverable 5 Task 2* | *Final report – prioritisation methodology (optional task).* Edit report for feedback. | *To be agreed* |
| ***Optional Milestone*** | *Meeting with the Project Board (verbal update and presentation) to discuss and sign off on Task 2 report.* *The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates.* | *To be agreed* |
| Deliverable 6  Task 3 | Final report from Task 3, including the revised GIS Map and database. Edit report, map and database for feedback. | November 2023 |
| Deliverable 7  Task 4 | Task 4  Final report – economic assessment. Edit report for feedback. | December/ January 2024 |
| **Milestone 3** | Meeting with the Project Board and PSG (verbal update and presentation) to discuss and sign off on Tasks 3 and 4, and the updated Project plan to include findings and lessons learnt in delivering stage 1. Outline plans for stage 2. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | January 2024 |
| **Stage 2** | | |
| Deliverable 8  Task 5 | Task 5  Final report – legislative review. Edit report for feedback. | April 2024 |
| **Milestone 4** | Meeting with the Project Board and PSG to discuss and sign off on Task 5. A verbal update and presentation should be used. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | April 2024 |
| Deliverable 9  Task 6 | Final report on and roadmap for at most risk sites and feasibility reports. Edit report for feedback. | June 2024 |
| **Milestone 5** | Meeting with the project board to discuss and sign off on Task 6. A verbal update and presentation should be used. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | June 2024 |
| Deliverable 10  Task 7 | Final report. Edit report for feedback. | August 2024 |
| **Milestone 6** | Meeting with the project board to discuss and sign off on Task 7. A verbal update and presentation should be used. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | August 2024 |
| Deliverable 11  Task 8 | Reporting. Ensure the report meets publishing requirements. Edit report for feedback. | August 2024 |
| Deliverable 12 | Report to be peer reviewed.  Edit report for peer review feedback. | September 2024 |
| **Milestone 7** | Meeting with the project board to discuss and sign off Task 8. A verbal update and presentation should be used. The Tenderer is expected to provide an agenda, meeting minutes and a record of actions with owners and due dates. | October 2024 |
| **Milestone 8**  **Task 9** | Dissemination | October 2024 |
| \*If optional tasks are required this would mean a contract duration extension would be needed. | | |

**Financial Arrangement:** The successful Tenderer will be paid by invoice following satisfactory completion of the milestones set out above. To avoid delay in payment the Tenderer must submit a compliant invoice. Any non-compliant invoices received will be returned to the Tenderer, which may lead to a delay in payment. Any invoice submitted against an inactive Contract will be rejected by the Authority.

1. **Project Governance**

The Authority will nominate a Project Manager for this project. A Lead Project Manager will be responsible for the day-to-day management of this contract and will agree the membership of a Project Board to review the work and ensure it meets the projects aim and objectives. The Project Manager will also act as the principal point of contact for the Authority. Meetings have been incorporated into the Programme of Work (Section 6) to discuss progress and to ensure timely support and data provision as required.

The Tenderer will be required to regularly update the Project Manager on project progress via monthly meetings arranged by the Tenderer, and when there are any significant issues (as early as convenient or a maximum of 3 days) and quarterly progress reports (max 2 pages), including reporting on KPIs quarterly. Please see the range of KPIs included. The frequency of the meetings will be reviewed throughout the course of the project. Meetings will be organised by the Tenderer including full secretariat. Meeting agendas will be agreed with Defra a week before meetings.



At the outset of the project, an Authority led internal Project Board will be set up by the Authority’s nominated Lead Project Manager. The Project Board will include representatives from the successful project Tenderer, and as a minimum, policy teams in Defra from Flood and Coastal Erosion Risk Management, Soil and Contaminated Land and Waste and Recycling and the Analysis and Evidence team. An external, Authority approved, Project Steering Group (PSG) set up by the successful Tenderer will also support this project. The Project Board set up by the Authority and the PSG set up by the Tenderer will monitor progress and provide advice, support and guidance on project scope, methodology, policy focus and research outputs. In the Tender document E05, Tenderers must include administrative time to set up and coordinate the PSG throughout the entire project. All tasks will be undertaken in consultation with both the Project Board and PSG.

The successful Tenderer must propose a Terms of Reference (ToR) for the PSG. The ToR should (where necessary) include details on project’s governance; key roles of the PSG including timeframes; quorum; chair; meeting frequency; meeting platform; sharing information; remuneration; Confidentiality Agreement and Conflict of Interest Declaration (to be sent to the successful Tenderer by the Authority’s nominated Lead Project Manager).

Below are details of the key roles:

|  |  |
| --- | --- |
| Role | Lead |
| Sponsor | Deputy Director, Floods and Water, Defra  Deputy Director, Analysis and Evidence, Defra |
| Project Manager | Senior Policy Adviser, Flood and Coastal erosion risk management, Defra |
| Project Board (TBC) | Team Leader, Flood and Coastal erosion risk management, Defra  Head of Resilience and Flood Innovation Policy, Defra  Soil and Contaminated Land representative, Defra  Waste and Recycling representative, Defra  Analysis and Evidence representative, Defra  Contractor and team |

Tenderers must cost for meetings (see Section 6). Costings must include travel time, preparation and producing outputs from the meetings for the Project Team. The meetings will usually be held over the communication platform Microsoft Teams and/or by prior agreement, in Defra’s or the supplier’s office locations.

1. **Required skills**

The successful Tenderer is required to specifically demonstrate that they have expertise and recent experience in the following areas:

* Project design and management
* Evidence reviews
* Information synthesis
* Report writing and communication skills
* Stakeholder engagement
* Data management / databases
* GIS
* Knowledge of HCLs and the risk they present to the environment as well as gaps in knowledge and blockers to action/mitigation.
* Knowledge in flood and coastal erosion and environmental land management legislation.
* Experience of previous policy research projects.

1. **Audience**

The main audiences for this project are the Authority’s Flood and Coastal Erosion Risk Management Team, contaminated land and other Policy Teams, the Analysis & Evidence Team, and Coastal Protection Authorities/Local Authorities. Findings will be disseminated to people in the Defra group who have interest.

1. **Peer Review**

The Authority will require the final output from this project to be peer reviewed by an external peer reviewer/s. The Authority will identify and co-ordinate the peer review, but the Tenderer will be expected to respond to comments and revise outputs accordingly. Tenders must therefore accommodate in their proposals, time for peer review (minimum 2 weeks) and time to respond to peer review comments.

1. **Publishing: accessibility requirements**

Tenderers are expected to meet government requirements for:

* accessible reports
* GOV.UK style requirements

This includes, but is not limited to, consideration of:

* font (size, style, and justification)
* titles, headings, and sub-headings to structure reports
* alt-text for images, charts, or graphs
* table captions and summaries in all tables
* describe images, charts, and graphs
* colour combinations: colours that are suitable for those with colour-blindness

For every commission, Tenderers are expected to outline how they will meet accessibility and style requirements and what processes they have in place to assure this. In the Tender document E05, Tenderers must schedule time in their programme for the required technical editing and accessibility checks to meet these requirements. The exact outputs should be discussed with the commissioning team, but accessibility should be considered in all outputs (e.g., Word, PowerPoint, CSV data files or PDF documents). Defra will provide a Word template for reports following the Inception meeting.

**Annex A**

Previous research and related resource expected to be utilised by the Tenderer in undertaking this project as a minimum.

* NERC and Newcastle University [Impact of Legacy Waste in the Coastal Zone](https://research.ncl.ac.uk/legacywastes/.) - phases of project already published:

<https://doi.org/10.1016/j.gexplo.2020.106630> and <https://www.imwa.info/docs/imwa_2021/IMWA2021_Riley_458.pdf>

* Construction Industry Research and Information Association’s (CIRIA), [guidance](https://www.ciria.org/ItemDetail?iProductCode=C718F&Category=FREEPUBS&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91) on the management of landfill sites and land contamination on eroding or low-lying coastlines;
* [James Brand and Queen Mary University London](https://qmro.qmul.ac.uk/xmlui/handle/123456789/19486) (QMUL) method for prioritising historic coastal landfills by risk.
* QMUL/Brand and Spencer, risk assessment screening approach and preliminary model to prioritise sites at most risk of flood/erosion and causing harm.
* [SCOPAC coastal landfills funding study](https://southerncoastalgroup-scopac.org.uk/wp-content/uploads/2019/06/2019-06-19_SCOPAC-LANDFILLS-REPORT-FINAL.pdf);
* Historic Coastal Landfill sites at risk of erosion; identifying sites of high pollution risk – Hannah Masani, Environment Agency
* [Coastal Landfills, Southampton University](https://landss.soton.ac.uk/coastal)
* Government landfill site database: <https://data.gov.uk/dataset/17edf94f-6de3-4034-b66b-004ebd0dd010/historic-landfill-sites>

**Annex B**

**Project Plan Minimum Contents Requirements**

|  |
| --- |
| Introduction |
| Aim and objectives |
| Scope of work (including research questions) |
| Clarifications and assumptions |
| Inception meeting, including what will be discussed, who will attend, led by etc. |
| Project deliverables and milestones |
| Links to other projects [if applicable] |
| Project management including programme (link to an excel spreadsheet preferred), risks and opportunities, assumptions. |
| Project organisation (including details of the steering group and advisory group)  Names, organisations, roles and responsibilities  Contact details  Points of contact |
| Project Communications. Sub-headings on the following:  Meetings planned, format, attendees required, date  Reporting. Sub-headings on the following:  Progress reports  Task reports  Final report  Peer review  2–4-page summary of the project  Evidence compendium  Dissemination event |
| Technical approach: Detailing the research questions and methodology to answer the questions including stakeholder engagement. |
| Quality management and data security |

## Conditions of Contract

For information. Located on the Authority’s -eSourcing system Atamis (<https://defra-family.force.com/s/Welcome>)



## TUPE Data N/A

## Commercial Sensitive Information



## Commercial Pricing Workbook



## Staff Time in Days Per Milestone



1. <https://qmro.qmul.ac.uk/xmlui/handle/123456789/19486> [↑](#footnote-ref-2)
2. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903705/flood-coastal-erosion-policy-statement.pdf> [↑](#footnote-ref-3)
3. <https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england--2> [↑](#footnote-ref-4)
4. <https://jameshbrand.com/> [↑](#footnote-ref-5)
5. https://www.qmul.ac.uk/geog/research/featured-research/-eroding-our-future--pollution-from-historic-landfills-threatens-our-coastlines/ [↑](#footnote-ref-6)
6. <https://www.thenbs.com/PublicationIndex/documents/details?Pub=CIRIA&DocID=303733> [↑](#footnote-ref-7)
7. <https://www.qmul.ac.uk/geog/research/featured-research/-eroding-our-future--pollution-from-historic-landfills-threatens-our-coastlines/> [↑](#footnote-ref-8)
8. <https://ore.exeter.ac.uk/repository/handle/10871/131294> [↑](#footnote-ref-9)
9. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/560521/Production_of_quick_scoping_reviews_and_rapid_evidence_assessments.pdf> [↑](#footnote-ref-10)
10. <https://www.data.gov.uk/dataset/17edf94f-6de3-4034-b66b-004ebd0dd010/historic-landfill-sites> [↑](#footnote-ref-11)